

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

UNITED STATES OF AMERICA

v.

JOSEPH KOFFIE KORHA

SUPERSEDING
INDICTMENT

Case No. 3:23-cr-00054

Violation: 26 U.S.C. § 7206(2)

GENERAL ALLEGATIONS

1. At all times relevant to this Indictment, JOSEPH KOFFIE KORHA (“KORHA”) held himself out as a tax professional and typically charged clients a fee to prepare their income tax returns.
2. The Internal Revenue Service (“IRS”) was an agency of the United States Department of Treasury responsible for administering and enforcing the tax laws of the United States.
3. IRS Form 1040, U.S. Individual Income Tax Return, (“Form 1040”) was used by U.S. taxpayers to file an annual income tax return.
4. Schedule C, Profit or Loss From Business, (“Schedule C”) was an IRS form attached to a Form 1040 used to report income or loss from a business operated as a sole proprietorship.
5. The American Education Opportunity Credit (“AEOTC”) and Lifetime Learning Credit (“Nonrefundable Education Credit”) were tax credits for eligible taxpayers who paid qualified education expenses to eligible postsecondary education institutions. The AEOTC was a refundable credit, meaning that if the refundable portion

of the credit exceeded the tax owed, the excess would be refunded to the taxpayer.

Taxpayers who qualified could claim the AEOTC or Nonrefundable Education Credit by completing IRS Form 8863 and attaching that form to a Form 1040.

6. The Additional Child Tax Credit was a refundable tax credit for eligible taxpayers who claimed one or more qualifying dependents on the taxpayers' tax returns.

7. The Earned Income Tax Credit was a refundable credit for low- to moderate-income taxpayers who had qualifying earned income.

COUNTS ONE THROUGH TWELVE

Aiding in the Preparation of False Tax Returns

The Grand Jury Charges:

8. The allegations in Paragraphs 1 through 7 are realleged and incorporated by reference as though fully set forth herein.

9. On or about the dates listed below, in the District of North Dakota and elsewhere,

JOSEPH KOFFIE KORHA

did willfully aid and assist in, and procure, counsel, and advise the preparation and presentation to the IRS, of Forms 1040, for tax year 2018 for the taxpayers specified below, which were false and fraudulent as to material matters, in that they reported false Schedule C business losses and fraudulently claimed American Education Opportunity Credits, Nonrefundable Education Credits, Additional Child Tax Credits, and Earned Income Tax Credits, whereas, as the defendant then and there knew, the taxpayers had

not incurred the reported business losses and were not entitled to the reported credits in the amounts claimed:

Count	Taxpayer(s)	Approximate Date of Filing	2018 Tax Form	False Item	Amount Claimed
1	K.T. and S.T.	2/3/2019	Form 1040	Line 12b - Nonrefundable Education Credit	\$633
			Form 1040	Line 17a – Earned Income Credit	\$2,506
			Form 1040	Line 17b – Additional Child Tax Credit	\$1,400
			Form 1040	Line 17c – American Education Opportunity Credit	\$2,000
			Schedule C (S.T.)	Line 31 - Net profit or loss	(\$11,955)
			Schedule C (K.T.)	Line 31 - Net profit or loss	(\$12,194)
2	B.S.	2/6/2019	Form 1040	Line 12b - Nonrefundable Education Credit	\$725
			Form 1040	Line 17a – Earned Income Credit	\$1,122
			Form 1040	Line 17b – Additional Child Tax Credit	\$2,800
			Form 1040	Line 17c – American Education Opportunity Credit	\$1,700
			Schedule C	Line 31 - Net profit or loss	(\$9,003)
3	B.L.	2/10/2019	Form 1040	Line 12b - Nonrefundable Education Credit	\$1,700
			Form 1040	Line 17c – American Education Opportunity Credit	\$1,000
			Schedule C	Line 31 - Net profit or loss	(\$9,350)
4	Z.T.	2/19/2019	Form 1040	Line 12b - Nonrefundable Education Credit	\$1,500
			Form 1040	Line 17c – American Education Opportunity Credit	\$1,000
			Schedule C	Line 31 - Net profit or loss	(\$9,080)
5	G.S.	2/20/2019	Form 1040	Line 12b - Nonrefundable Education Credit	\$723
			Form 1040	Line 17c – American Education Opportunity Credit	\$1,000
			Schedule C	Line 31 - Net profit or loss	(\$8,981)
6	E.G.	2/24/2019	Form 1040	Line 12b - Nonrefundable Education Credit	\$1,700
			Form 1040	Line 17c – American Education Opportunity Credit	\$1,000
			Schedule C	Line 31 - Net profit or loss	(\$9,092)

Count	Taxpayer(s)	Approximate Date of Filing	2018 Tax Form	False Item	Amount Claimed
7	P.W.	3/7/2019	Form 1040	Line 12b - Nonrefundable Education Credit	\$778
			Form 1040	Line 17a – Earned Income Credit	\$2,324
			Form 1040	Line 17b – Additional Child Tax Credit	\$1,400
			Form 1040	Line 17c – American Education Opportunity Credit	\$1,000
			Schedule C	Line 31 - Net profit or loss	(\$8,837)
8	M.D.	3/7/2019	Form 1040	Line 12b - Nonrefundable Education Credit	\$1,158
			Form 1040	Line 17a – Earned Income Credit	\$1,717
			Form 1040	Line 17c – American Education Opportunity Credit	\$1,000
			Schedule C	Line 31 - Net profit or loss	(\$9,000)
9	A.N.	3/8/2019	Form 1040	Line 12b - Nonrefundable Education Credit	\$1,500
			Form 1040	Line 17c – American Education Opportunity Credit	\$1,000
			Schedule C	Line 31 - Net profit or loss	(\$9,035)
10	J.D.	3/9/2019	Form 1040	Line 12b - Nonrefundable Education Credit	\$753
			Form 1040	Line 17c – American Education Opportunity Credit	\$1,000
			Schedule C	Line 31 - Net profit or loss	(\$9,195)
11	G.B.	3/11/2019	Form 1040	Line 12b - Nonrefundable Education Credit	\$778
			Form 1040	Line 17a – Earned Income Credit	\$4,218
			Form 1040	Line 17b – Additional Child Tax Credit	\$1,400
			Form 1040	Line 17c – American Education Opportunity Credit	\$1,000
			Schedule C	Line 31 - Net profit or loss	(\$9,108)
12	C.B.	3/17/2019	Form 1040	Line 12b - Nonrefundable Education Credit	\$1,367
			Form 1040	Line 17c – American Education Opportunity Credit	\$1,000
			Schedule C	Line 31 - Net profit or loss	(\$9,121)

In violation of Title 26, United States Code, Section 7206(2).

A TRUE BILL:

/s/ Foreperson

Foreperson

/s/ Mac Schneider

MAC SCHNEIDER
United States Attorney

MAH/lc